

OC PLANNING REPORT

DATE: November 28, 2012

TO: Orange County Planning Commission

FROM: OC Planning

SUBJECT: Public Hearing on Planning Application PA080051 for Site Development Permits and Use Permits

PROPOSAL: Site Development Permits for the following: legalize modifications to a single-family dwelling and establishing two (2) caretakers' residences and a guesthouse (three units total); to legalize alternative setbacks; to allow the construction of a 174-square foot accessory gazebo; and to legalize grading in excess of 5,000 cubic yards. Use Permits are also requested for the following: legalize existing low intensity commercial outdoor recreation, wedding chapel, zoological garden, horticultural preserve and retreat/conference center uses; legalize existing over-height walls within the front yard setback; and legalize existing off-street parking modifications.

ZONING: "Rancho Las Lomas" (RLL) District of the Foothill/Trabuco Specific Plan (F/TSP)

GENERAL PLAN: "Rural Residential" (1A)

LOCATION: 19191 Lawrence Canyon Road, Trabuco Canyon, within the Third (3rd) Supervisorial District.

APPLICANT: Jim Walton (agent) and Gary Medieros of BonTerra (agent) on behalf of Jeannie Lawrence, property owner

STAFF CONTACT: John Moreland, Contract Planner
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SYNOPSIS: Staff recommends Planning Commission approval of Planning Application PA080051 for the Site Development Permits and Use Permits, subject to the attached recommended Findings and Conditions of Approval.

EXISTING SITE CONDITIONS

The subject property is located within the foothills of the Santa Ana Mountains. The existing site is comprised of two parcels, totaling approximately 21.4 acres (See Exhibit 1 for an aerial of the site). The property is located on the southwest side of Santiago Canyon Road, approximately a quarter mile northwest of its intersection with Live Oak Canyon Road. The natural terrain of the site is

characterized by gentle to moderately sloping hillsides in the eastern one-third of the property, and steeper more rugged hillside ascending westward in the remaining two-thirds of the site. The elevation of the property varies by about 231 feet, with the highest elevation at the southwest corner of the property and the lowest at the southeastern corner.

Exhibit 1 - Aerial of Project Site



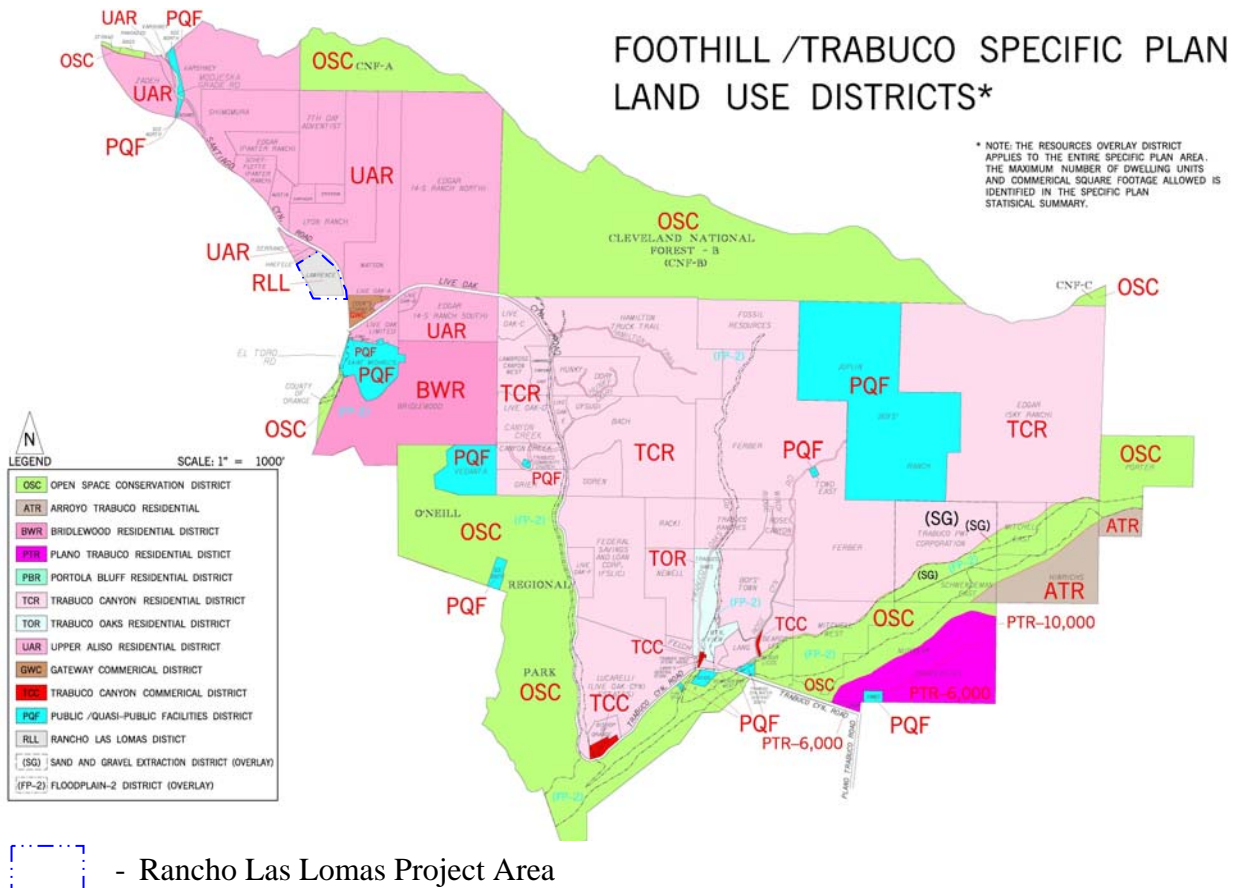
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Aliso Creek, a blue line stream, traverses the northeastern portion of the project site, adjacent and roughly parallel to Santiago Canyon Road. The creek flows from the adjacent site to the northwest, through the property to the adjacent property to the south. Aliso Creek supports coast live oak and western sycamore along with scattered willows and non-native species such as deodar cedar, pines, palm trees and pampas grass. Non-native invasive plant species have spread into Aliso Creek and has potentially displaced native understory riparian species such as poison oak and wild grape.

The property presently operates as a single-family residence, as well as, a wedding and corporate event venue. The property has the following uses in operation: low intensity commercial outdoor recreation; a wedding chapel; zoological gardens; horticulture preserves; a retreat/banquet facility/conference center; accessory buildings and structures; caretaker's residences; and a single-family dwelling. There are 32 structures that exist on the property, which includes bridal quarters, a chapel, an employee cottage, a conference center, a garage, a ranch house, a barn, two corrals, a pump house, a kiosk, a windmill, existing bridge/culvert structures above Aliso Creek, and a water tower with signage. There are also several cages that house a number of bird species and several large felines (Bengal tigers, African servals, Canadian lynx and caracals). Additionally, palm species are grown on the project site as part of the horticultural preserve use.

The site is designated as “Rural Residential” (1A) by the Orange County General Plan. The project site lies within the “Rancho Las Lomas” (RLL) District in the northwestern portion of the F/TSP (see Exhibit 2, below).

Exhibit 2 – Zoning Designation



PROJECT BACKGROUND

According to Assessor's records, a 901-square foot dwelling was established on the property in 1943. Their records also indicate that a larger, 2,816-square foot, single-family dwelling was established on the subject property in 1963. During this time, the property functioned as an agricultural use with orchards and cattle grazing. An aerial image of the property taken on August 9, 1970 is shown in Exhibit 3.

Exhibit 3 – 1970 Aerial Image



 - Approximate Rancho Las Lomas Project Area

During the 1970s, the Lawrence family purchased the subject property. According to the applicant, the Lawrence family constructed most of buildings on the site between 1975 and 1990. However, historical aerial imagery shows that some of the smaller buildings may have been constructed as late as the mid-1990s. Additionally, during the 1970s, the existing wooden bridges on the property were replaced with new bridges on top of existing culvert structures. All of the construction on the property during this time occurred without permits.

In the early 1990s, the County opened a Code Enforcement case on the property for the unpermitted development. On January 6, 1999, the County of Orange, the Lawrence Family and the Superior Court of Orange County entered into an agreement that allowed the property to operate while they obtained the proper permits for the facility. This agreement is included as Attachment No. 1 to this Staff Report. Due to the complexity of the subject site and the scope of work, this agreement called for the property owner to obtain all of the proper permits by December 31, 2009. Even though this deadline has passed, no action was pursued by the County since the applicant has been actively pursuing the discretionary application and grading permits since October 2008.

SURROUNDING LAND USE

The project site is a mixed use and is surrounded by residential uses. The zoning for surrounding properties is as follows:

Direction	Zoning Designation	Existing Land Use
Project Site	“Rancho Las Lomas” (RLL) District	Residential, Commercial, Horticultural, Event Center
North	“Upper Aliso Residential” (UAR) District	Single-Family Dwellings
East	“Upper Aliso Residential” (UAR) District	Vacant
South	“Neighborhood Commercial” (NC) District (City of Lake Forest); “Residential Single-Family” (R1) District (City of Lake Forest)	Vacant
West	“Multi-Family Residential” (R2) District (City of Lake Forest); “Open Space” (OS) District (City of Lake Forest)	Attached Single-Family Dwellings; Open Space

CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”)

Mitigated Negative Declaration (MND) No. PA080051 has been prepared and was posted for public review on September 25, 2012. The MND must be approved prior to project approval with a finding that it is adequate to satisfy the requirements of CEQA. The MND identifies possible significant impacts to Biological Resources, Cultural/Scientific Resources, Geology/Soils, Hydrology and Water Quality and Transportation/Traffic. With the incorporation of Mitigation Measures listed in MND No. PA080051 and repeated in the Conditions of Approval (Appendix B), the project’s impact will be reduced to a less than significant level. The County did not receive any comments on the MND. The environmental documentation is provided as Attachment No. 2 and a finding of adequacy is provided in Appendix A of this report. The Mitigation Monitoring and Reporting Program to implement the proposed mitigation measures is provided as Attachment No. 3.

The applicant has prepared a biological survey for the project site, which is included as an Appendix L of the MND. The site contains protected Coast Live Oak Woodlands. The project design will avoid all impacts to the Oak Woodlands and mitigation measures have been incorporated to ensure that any unforeseeable impacts to Oak Woodlands are properly mitigated.

DISCUSSION/ANALYSIS

As mentioned in the applicant’s Operation Plan, included as Attachment No. 4, the property primarily functions as a conference center and wedding event venue. The site holds numerous events throughout the year, including weddings, corporate events, photography and film shoots and bar/bat mitzvahs. The applicant estimates that about 9 to 19 events are held per month. All events have valet service and vehicles are parked on-site. The property also has horticultural and zoological gardens that are for the enjoyment of the property owner and guests and are not open to the public. The zoological gardens include zebras, alpacas, parrots, macaws, cockatoos, tigers, servals, caracals and a lynx. The applicant has obtained permits for keeping of these animals from the United States Department of Agriculture (USDA), the California Department of Fish and Game (CDFG), and the County of Orange. The animal permits with the USDA and the County of Orange have expired within the past month. However, the applicant has provided copies of the applications submitted with these agencies and the license renewal is in process with these agencies. These items are included as Attachment No. 5. Condition of Approval No. 33 has been added stating that the applicant and/or

property owner shall have current permits with applicable County, State and Federal agencies for the keeping of exotic animals. The owner will be required to provide verification of these permits at any time upon request by the County. Non-compliance with this condition could result in revocation of the Use Permit for the zoological gardens, per Section 7-9-150.7 of the County of Orange Zoning Code.

The applicant is requesting approval of Site Development Permits and Use Permits to legalize these uses and all structures on the subject property. The Project Description Letter is included as Attachment No. 6 and the Justification Letter is included as Attachment No. 7. Specifically, the request includes:

- A Site Development Permit to legalize the improvements to an existing single-family dwelling (Building L) and garage (Building Q).
- A Site Development Permit to legalize the establishment of an attached two-dwelling unit caretaker's residence (Building R).
- A Site Development Permit to legalize the establishment of a 324-square foot guest house (Building G).
- A Site Development Permit to allow for the construction of a 174-square foot accessory gazebo (Building A-C).
- A Site Development Permit to legalize alternative setbacks for existing structures (6.2 feet for the front property line, 9.2 feet for the northwest side property line).
- A Site Development Permit to legalize previous grading in excess of 5,000 cubic yards.
- A Use Permit to legalize the use and establishment of a wedding chapel, conference center, zoological gardens, horticultural preserves and low intensity commercial outdoor recreation.
- A Use Permit to legalize the establishment of walls in excess of 42 inches within 20 feet of Santiago Canyon Road.
- A Use Permit to legalize numerous parking modifications, including:
 - Parking spaces in excess of 5 percent grades;
 - Driveway grades in excess of -2 percent within 18 feet of Santiago Canyon Road;
 - Alternative paving material;
 - Reduced parking space size for valet spaces;
 - Up to triple stacking of parking spaces within the valet area;
 - Parking accessway width less than 28 feet;
 - Two-way parking aisle width less than 24 feet; and
 - One-way parking aisle width less than 14 feet.

Below is a table comparing the site development standards for "Rancho Las Lomas" (RLL) District with the project proposed by the applicant.

Project Comparison with “Rancho Las Lomas” District Site Development Standards

STANDARD	PERMITTED/REQUIRED	PROPOSAL
Front Setback (Santiago Canyon)	100'	6'-2"* for accessory buildings 32'-3"* for primary buildings
Side Setback, Right (northwest)	50'	9'-2"* for accessory building 32'-3"* for primary building
Side Setback, Left (southeast)	25'	+/- 300'
Rear Setback	50'	62'-8"
Building Height	35'	34'-3"
Lot Coverage	35%	4.95%
Fences and walls	3.5' max. within front yard 6' max. within other yards	23'-6" ^ 6' maximum
Parking	Residential – 7 spaces (9'x18' min. size) Commercial – 188 spaces (9'x18' min. size)	14 spaces (9'x18' min. size) 215 spaces (8'x16' min. size) ^
Parking Lot Grades	Within 18' of ROW, 15%, -2% 18' from ROW, +/- 20% Parking spaces, +/- 5%	-15% ^ -20% -17% ^
Parking Lot Dimensions	Accessway, 28' Two-way aisle, 24' One-way aisle, 14'	23' 13' 11'
Grading	5,000 C.Y. (cut or fill)	24,080 C.Y. fill
Oak Trees	1:5 to 1:15 ratio (15 gal. min. size), or alternative mitigation per a Tree Management and Preservation Plan	No oaks proposed to be removed.
Sycamore Trees	1:5 to 1:15 ratio (15 gal. min. size)	No sycamores proposed to be removed.
Other Trees	1:1 ratio (15 gal. min. size)	No trees outside of horticultural use or Federal/State jurisdiction proposed to be removed.

* Indicates Site Development Permit requested by the applicant

^ Indicates Use Permit requested by the applicant

The property currently has 28 structures on it (excluding bridges) and the applicant is proposing to construct a new gazebo. The only other construction that is requested as part of this request is to remove the existing bridges built on top of existing culverts and replace those with free-span bridges and perform minor grading activities to bring the site into compliance with current grading and water quality standards. The plans for the subject property are included as Attachment No. 8 and photos of the site are included as Attachment No. 9. Structures are located on both parcels and the structural setbacks from the property line separating the two parcels are as little as four feet. In order to avoid any potential or future building code or setback issues on the subject property, Condition of Approval No. 34 has been added to require a lot merger prior to the issuance of a building permit. Below is a table that summarizes the structures, uses and parking requirements for all structures included in the plans (residential uses are bolded).

Structure and Parking Summary

BUILDING NUMBER/NAME	APPLICANT REQUEST	USE (FOR PARKING PURPOSES	AREA	PARKING REQUIRED
C / Restrooms	Legalize structure	Accessory	70 sq. ft.	None
D / Enclosed Stairway	Legalize structure	Accessory	1,345 sq. ft.	None
E / Bride's Quarters	Legalize structure	Motel/Hotel	410 sq. ft. (1 unit)	1 space
F / Chapel	Legalize structure	Place of Assembly Storage/Warehouse	212 sq. ft. 379 sq. ft.	7 spaces
G / Employee Cottage	Legalize structure	Guesthouse	324 sq. ft.	None
H / Conference Center	Legalize conversion from single-family house to commercial	Clubs/lodge hall Outdoor club/lodge	5,397 sq. ft. 7,611 sq. ft.	174 spaces
J / Bird Cage	Legalize structure	Accessory	175 sq. ft.	None
K / Bird Cage	Legalize structure	Accessory	175 sq. ft.	None
L / Ranch House	Legalize modifications	Single-Family Dwelling	921 sq. ft.	3 spaces
M / Animal Cages	Legalize structure	Accessory	640 sq. ft.	None
N / Feline Cages	Legalize structure	Accessory	490 sq. ft. (covered) 863 sq. ft. (open area)	None
P / Barn	Legalize structure	Warehouse/Storage	2,156 sq. ft.	3 spaces
Q / Garage	Legalize structure	Accessory	1,268 sq. ft.	None
R / Duplex	Legalize structure	Caretaker's Duplex	1,118 sq. ft. (two units)	4 spaces
S / Cages	Legalize structure	Accessory	2,404 sq. ft.	None
T / Cage	Legalize structure	Accessory	1,078 sq. ft.	None
X / Bird Cage	Legalize structure	Accessory	3,905 sq. ft.	None
Y / Bird Cage	Legalize structure	Accessory	22 sq. ft.	None
Z / Pump House	Legalize structure	Accessory	64 sq. ft.	None
A-A / Office, Valet	Legalize structure	Office	346 sq. ft.	2 spaces
A-B / Storage	Legalize structure	Warehouse/Storage	123 sq. ft.	1 space
A-C / Gazebo	Approval to Construct	Accessory	174 sq. ft.	None
A-E / Creek-Side Restrooms	Legalize structure	Accessory	300 sq. ft.	None
A-F / Trellis	Legalize structure	Accessory	650 sq. ft.	None
A-G / Kiosk	Legalize structure	Accessory	174 sq. ft.	None
A-H / Entry Gate	Legalize structure	Accessory	N/A	None
A-K / Water Tank	Legalize structure	Accessory	N/A	None
A-L / Water Tower w/ Sign	Legalize structure	Accessory	N/A	None
A-M / Feline Cage	Legalize structure	Accessory	N/A	None

Parking is required for all commercial buildings on the property except for the enclosed stairway (Building D), the animal cages/enclosures and the non-storage accessory buildings. Additionally,

required parking was calculated for the patio/colonnade area outside of the conference area, since the outdoor area is used for holding events. Wedding ceremonies are also held in the outdoor courtyard area next to the chapel; however this area has not been included into the required parking calculation. When a wedding is being held in this outdoor courtyard, the guests would go to the conference center area for the reception. Since this area is included in the required parking calculation, it would not be appropriate to count the same guests twice. No more than one large event occurs on the property at any given time. With this taken into consideration, the total parking requirement for commercial uses based on the County of Orange Zoning Code is 188 parking spaces. The project provides 215 commercial parking spaces. Staff is not aware of any parking spill-over or parking issues on the property. Therefore, the parking provided is adequate based on the current Operation Plan.

According to the applicant, a maximum of 400 guests attend an event. To ensure that multiple large events do not occur on the property at the same time, Condition of Approval No. 39 has been added that prior to the finaling of a building permit for any commercial building, the applicant shall have a Certificate of Use and Occupancy approved by the County. With this Certificate, the applicant shall indicate that no more than 400 guests are allowed on the premises at any given time. When the property is sold, future property owners are required to obtain the Certificate of Use and Occupancy, even if no structural alterations are proposed, should the future owner desire the use to continue.

The proposal also includes demolishing three existing bridges illegally built on existing culverts within Aliso Creek and within the 100-year flood plain. Pictures of these bridges are included in Attachment No. 9. The applicant is proposing to rebuild these bridges as free-span bridges that would be outside of the 100-year flood plain. The Zoning Code and the Foothill-Trabuco Specific Plan do not require discretionary approval for the replacement of bridges. However, these bridges are within the jurisdiction of the Army Corps of Engineers (ACOE) and/or CDFG. Any alterations to these bridges will require the proper approvals prior to any alteration. Mitigation Measure No. 5.4-4 has been included that the proper approvals shall be provided to the County prior to the issuance of a demolition or grading permit for the bridges. This is also included as Condition of Approval No. 11.

Below is a brief discussion detailing the applicant's permit requests. A detailed building inventory of the buildings on the subject property is included as Attachment No. 10.

Site Development Permits for Existing Single Family Residence

The applicant is requesting a Site Development Permit to legalize modifications to the existing single-family residence on the property (Building L). Section III.D.12.3 of the F/TSP allows single-family residences subject to Planning Commission approval of a Site Development Permit. The applicant is requesting approval of Site Development Permits for a 20-square foot addition to this dwelling, and legalizing the construction and establishment of two accessory structures for this dwelling, a 324-square foot guesthouse (Building G) and a 1,268-square foot garage (Building Q).

Building G is a single-story guest house where guests of the property owner would stay. Since only guests of the property owner temporarily stay in this building, County development impact fees for roads, parks and library facilities should not be required. Condition of Approval No. 35 has been added to ensure that this building remains as a guesthouse. In order to convert the use of this building into a use with a permanent resident, such as a caretaker's unit, the applicant will need approval of a Site Development Permit and would be required to pay the appropriate development impact fees.

Parking for the residential uses on the property is provided in a 1,268-square foot garage (Building Q). The garage accommodates four (4) covered parking spaces that meet the 10 feet by 20 feet minimum dimensions for an enclosed parking space. Two (2) spaces are used for the single-family dwelling (Building L) and two (2) spaces are used for the caretaker's duplex (Building R).

Site Development Permit for Caretaker's Residences

The applicant is requesting a Site Development Permit to legalize the construction and establishment of a two-unit caretaker's residence (Building R). Section III.D.12.3 of the F/TSP allows single-family residences or caretaker's residences subject to Planning Commission approval of a Site Development Permit. The Appendix of the F/TSP only allows one (1) dwelling unit on the property; however, the F/TSP does not limit the number of caretaker residences on the subject property. The applicant has indicated that the units are occupied by the property owner's sons, who help with maintaining the property.

Site Development Permit for Proposed Gazebo

The applicant is requesting a Site Development Permit to construct a new 174-square foot gazebo (Building A-C). Section III.D.12.6 of the F/TSP allows accessory structures. The Director has the authority to require a Site Development Permit for Planning Commission approval if the public interest would be better served. Staff would typically not require a Site Development Permit for an accessory building that would have little, if any, impact on the site or surrounding community. However, staff thought it would be best to include a Site Development Permit for this new construction to distinguish it from the scope of the remainder of the project. The gazebo will have a raised pad, which would be accessible by both a ramp and steps. The gazebo will have eight (8) support columns and a maximum height of 14 feet, 5 inches. The applicant plans to use the gazebo as another location to perform weddings.

Site Development Permit for Grading

The applicant is requesting a Site Development Permit to legalize all grading activities that were likely required to construct the existing use. The applicant estimates that to construct all uses and circulation improvements on the property required approximately 10,814 cubic yards of cut and 24,080 cubic yards of fill. Section 7-9-139 (b) requires that a Site Development Permit is required for any project that involves more than 5,000 cubic yards on a building site. Most of this grading occurred over 20 years ago and aerial imagery suggests that most of this grading occurred away from sensitive Oak Woodland areas. In order to legalize this grading, Condition of Approval No. 36 has been added, requiring that a grading permit be approved prior to the issuance of any building permit.

The applicant has prepared grading plans that would bring the property into compliance with today's hydrology, water quality, geotechnical and grading standards and guidelines. These plans are included as Attachment No. 11. It is estimated that 67 cubic yards of cut and 15 cubic yards of fill will be required to bring the site into compliance with current standards.

The F/TSP requires that any cut or fill should not exceed 30 feet of the existing grade. It is impossible to determine if the grading involved to construct the existing building exceeded this threshold. However, most, if not all, of these buildings were constructed prior to the adoption of the

F/TSP. The proposed grading required bring the site into compliance with today's standards will not change the existing elevation by more than one foot. Furthermore, the internal facilities are largely out of view from Santiago Canyon Road and adjacent properties.

Site Development Permit for Alternative Setbacks

The applicant is requesting a Site Development Permit to legalize all existing setbacks that do not meet the setbacks identified in Section III.D.12.8.d of the F/TSP. This same section allows the Planning Commission to approve alternative setbacks in conjunction with a Site Development Permit if the alternative setbacks would result in significantly greater protection of biological resources or natural landforms than complying with the setbacks required in the F/TSP. Specifically, the applicant is requesting the following reduced setbacks:

- Front Setback for Building N – approximately 12 feet,
- Front Setback for Building M – approximately 40 feet,
- Front Setback to Accessory Corral Cover – approximately 50 feet,
- Front Setback for Building G – 89 feet,
- Front Setback for Building A-G – 80.7 feet,
- Front Setback for Building F – 34.5 feet,
- Front Setback for Accessory Corral Cover – 6.2 feet,
- Side Setback for Building R – 32.3 feet,
- Side Setback for Building Q – 9.3 feet,
- Side Setback for Building P – 9.2 feet, and
- Front Setback for Building P – approximately 49 feet.

According to the Justification Letter (Attachment No. 7), the applicant sited these buildings to avoid impacts to Aliso Creek. Complete compliance with the 100-foot setback would eliminate most development on the north side of Aliso Creek and limit the developable area of the project site due to biological and geological constraints. The purpose of the 100-foot setback is to provide a scenic corridor along Santiago Canyon Road. Although the project does not comply with the physical setback standards, the applicant has created a landscaped berm to screen the view of the facility from Santiago Canyon Road (refer to Attachment No. 9, site photos). Staff has determined that this treatment is compatible with the intent of the scenic corridor section of the F/TSP and provides as much, if not more, screening of the project than if it just merely complied with the 100-foot setback. Staff is supportive of the alternative setbacks request.

Use Permit for Commercial Uses

The applicant is requesting a Use Permit to legalize the construction and establishment of a wedding chapel, conference center, zoological gardens, horticultural preserves and low intensity commercial outdoor recreation. Section III.D.12.4 of the F/TSP allows these uses subject to Planning Commission approval of a Use Permit. Buildings E (bride's quarters) and F (chapel) are associated with the wedding chapel use. Buildings D (enclosed stairway), H (conference center) and A-A (office, valet) are associated with the conference center use. Buildings J, K, M, N, S, T, X, Y and A-M are all enclosures or cages that house the various animals and birds on the property and are associated with the zoological garden use. Building P (barn) is associated with the horticultural

preserve use. No buildings are associated with the low-intensity commercial outdoor recreation use. Buildings C (restrooms), Z (pump house), A-B (storage), A-E (creek-side restrooms), A-F (trellis), A-K (water tank), and A-L (water tower) are all accessory buildings to the commercial uses on the property. Detailed information regarding these structures is included in Attachment No. 10.

Typically, guests for all events are directed to park at the valet station (Building A-A). Depending on the type of event, the guests would then be directed to the appropriate area. Wedding ceremonies are typically performed in the courtyard in front of the chapel (Building F). Once the ceremony is over, the food service is typically inside of the conference center (Building H) or the colonnade outside of the conference center. Corporate events and bar/bat mitzvahs are also held inside of the conference center (Building H) or the colonnade outside of the conference center. During these events, guests are welcome to walk around the property and view the zoological gardens and the horticultural preserves.

Building D (enclosed stairway) that acts as a covered stairwell that links the chapel to the conference center. This building is not considered in the parking lot calculation, as it has a non-habitable occupancy. To ensure that future events are not held within this building, Condition of Approval No. 37 has been added requiring a deed restriction be recorded onto the property prohibiting events being held within this building.

Part of the horticultural preserve use on the property includes selling palm tree species to the public and local nurseries. People interested in purchasing palm trees, would contact the property owner and arrange an appointment to view the palm trees. If someone was interested in a palm tree, they would remove it and purchase the tree. In the F/TSP area, when any tree is removed, a Tree Management and Preservation Plan (TMPP) is required to be approved by the County. However, the removal and sale of trees or plant for a horticultural use is common with these establishments, such as the Huntington Library and Botanical Gardens in San Marino, CA (<http://www.huntington.org/huntingtonlibrary.aspx?id=3904>). It would be inappropriate to require a TMPP if a tree is removed as part of this use. To ensure compliance with the intent of the F/TSP, Condition of Approval No. 38 has been added that when a tree is sold as part of the horticultural use, it shall be replaced at a one to one ratio (minimum size requirements does not apply). If an oak or sycamore tree is removed from the property, the property owner shall submit a TMPP, per F/TSP requirements. Should the horticultural use cease on the property, the removal of any tree would be subject to a TMPP, per F/TSP requirements. Except when required by OCFA, trees along Santiago Canyon Road are not to be removed as they serve a screening purpose and support scenic highway objectives.

Use Permit for Over-Height Walls

The applicant is requesting approval of a Use Permit approval to allow for walls up to 23 feet, 6 inches in height within the required front yard setback. Section 7-9-137.5 (f) of the County of Orange Zoning Code states, “Exceptions and modifications to the fence and wall height provisions may be permitted subject to the approval of a Use Permit.” In order to approve the Use Permit, two (2) specific findings need to be made. These findings are:

Traffic Hazard. The height and location of the fence or wall as proposed will not result in or create a traffic hazard.

Compatibility. The location, size, design and other characteristics of the fence or wall will not create conditions similar or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

The project consists of an existing decorative entry gate feature at the main project entrance. The project also consists of a six-foot tall trash enclosure just outside of the entry gate feature. Even though these structure are located within Santiago Canyon Road right-of-way, the entry gate is located approximately 32 feet from the edge of pavement of Santiago Canyon Road and the trash enclosure is located about 16 feet from the edge of pavement of Santiago Canyon Road. However, the trash enclosure is located about 35 feet west of the project entrance. The Traffic Division has reviewed the proposal and does not have any comments on the proposed design, as long as an adequate sight distance is provided (Condition of Approval No. 73). Therefore, the entry gate and the trash enclosure will not result in or create a traffic hazard.

Both the trash enclosure and the entry gate are existing. The applicant is requesting approval to legalize these improvements. The entry gate is ornate and has numerous Spanish architectural elements. This entry gate is an enhancement to the surrounding area and is a significant architectural feature. The trash enclosure consists of a wood fence, and blends in with the surrounding environment. Therefore, the proposed walls will not be objectionable, detrimental or incompatible with other permitted uses in the vicinity and are consistent with the scenic highway designation.

Use Permit for Parking Modifications

Section 7-9-145.7 (a) of the County of Orange Zoning Code states, “Alternative provisions to any of the off-street parking regulations may be permitted subject to the approval of a Use Permit application approved in compliance with the provisions of Section 7-9-150. Any such application may be approved provided the approving authority finds:

- 1) Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property; and
- 2) The proposed off-street parking facilities comply with the intent of these regulations as specified by Section 7-9-145.1.”

The proposal requests the legalization of the following parking modifications:

- Increase the maximum grade for parking spaces from 5 percent to 17 percent ;
- Increase the maximum grades for driveways within 18 feet of the Santiago Canyon Road right-of way from -2 percent to -15 percent;
- Request using an alternative, non-hard surface for some internal circulation;
- Reduced the required parking space size for valet spaces from 9 feet by 18 feet to 8 feet by 16 feet;
- Request double and triple stacking of parking spaces within the valet area;
- Reduce the required parking accessway width from 28 feet to 23 feet;
- Reduce the two-way parking aisle width from 24 feet to 13 feet; and
- Reduce the one-way parking aisle width from 14 feet to 11 feet.

The project requests a number of deviations from required parking standards. The parking space grade deviation, reduced parking space size, double and triple stacking and one-way parking aisle reduction applies only to the valet parking area where guests will not be driving. This area will be used by employees of a professional valet service. To ensure that these areas are to only be used by the valet service for future property owners, Condition of Approval No. 40 has been added that any event where more than 30 guests are anticipated to arrive, the property owner shall use a valet service to park the cars. With the incorporation of this condition, these deviations to the valet service area involve special circumstances.

As mentioned earlier in the report, the entry gate is located entirely within the ultimate public right-of-way. The grade of the main access drive meets the maximum grades allowed until about 50 feet from the edge of the existing Santiago Canyon Road pavement. However, the area with a grade in excess of -2 percent is approximately 10 feet from the ultimate right-of-way, which requires a Use Permit. Therefore special circumstances do apply to this property.

The applicant is requesting the use of decomposed granite for the valet parking area and most of the roads that will not be used by the public. In the high traffic and public parking areas, the applicant is using brick pavers, which complies with the Zoning Code standard. However, there are some areas where members of the public will drive over decomposed granite. The use of decomposed granite is consistent with the rural theme of the area and this request is not uncommon in this area. Therefore, complying with zoning code paving standards is inappropriate for this area.

The applicant is also requesting to reduce the minimum width for the parking accessway from 28 feet to 23 feet and the two-way parking aisle width from 24 feet to 13 feet. The parking accessway and two-way parking aisle reduction would be experienced by all visitors of the property, as well as, emergency personnel. The OCFA has approved the proposed circulation since it provides a 20-foot wide minimum access to all public buildings. The requested reduction to the two-way parking aisle width from 24 feet to 14 feet is located on a secondary drive that is not heavily traveled. All drives that accommodate most of the public circulation meet the 20 foot requirement. The topography of the project site and the applicant's desire to minimize the road impacts to the outdoor recreational atmosphere of the development limit the width of the internal circulation. Therefore, special circumstances do apply to the property.

The Traffic Division has reviewed the requests for the parking modifications and determined that they are not objectionable (see Attachment No. 12). The property has been in operation for over 20 years and OC Planning is not aware of any issues with internal circulation or parking provided on-site. Additionally, OCFA has approved site circulation for fire apparatus access for emergency access. Therefore, these proposed parking modifications comply with the intent of the Off-Street Parking Regulations in the County of Orange Zoning Code.

The Traffic Division has indicated that current design does not provide adequate site distance, as required by Standard Plan No. 1117. The existing landscape and screening berm obstructs visibility of northbound vehicles on Santiago Canyon Road from vehicles using the main egress/ingress road (Lawrence Canyon Road). Also, the existing landscape and screening berm obstructs visibility of southbound vehicles on Santiago Canyon Road from vehicles using the southerly main egress/ingress road. In order to comply with this standard and have unlimited use of both ingress/egress drives, the applicant would have to remove a significant portion of the landscape screen and berm. Removing

this screening would likely be an aesthetic impact on the surrounding community. As an alternative, the applicant has agreed to only use the southerly entrance for emergency access and to add a raised median on Lawrence Canyon Road that will prohibit left turns onto Santiago Canyon Road. These will be required to be shown on the grading plan and will need to be constructed before the grading bond can be released. These elements have been included as both Mitigation Measures Nos. 5.16-4 and 5.16-2 and Conditions of Approval Nos. 30 and 28, respectively.

Other circulation improvements include adding a southbound right-turn pocket on Santiago Canyon Road at Lawrence Canyon Road and that the applicant dedicates the ultimate right-of-way for Santiago Canyon Road (72-foot half cross section). These improvements are included as Conditions of Approval Nos. 29 and 42, respectively.

Project's F/TSP Consistency

Section III.G.2.0.c of the F/TSP requires that Planning Staff prepare a consistency checklist for all entitlements within the F/TSP. This document is included as Attachment No. 13. Additionally, both the architect and the civil engineer have provided letters that the proposed project is consistent with the Foothill/Trabuco Specific Plan. These letters are included as Attachment No. 14 and 15.

Goals & Objectives

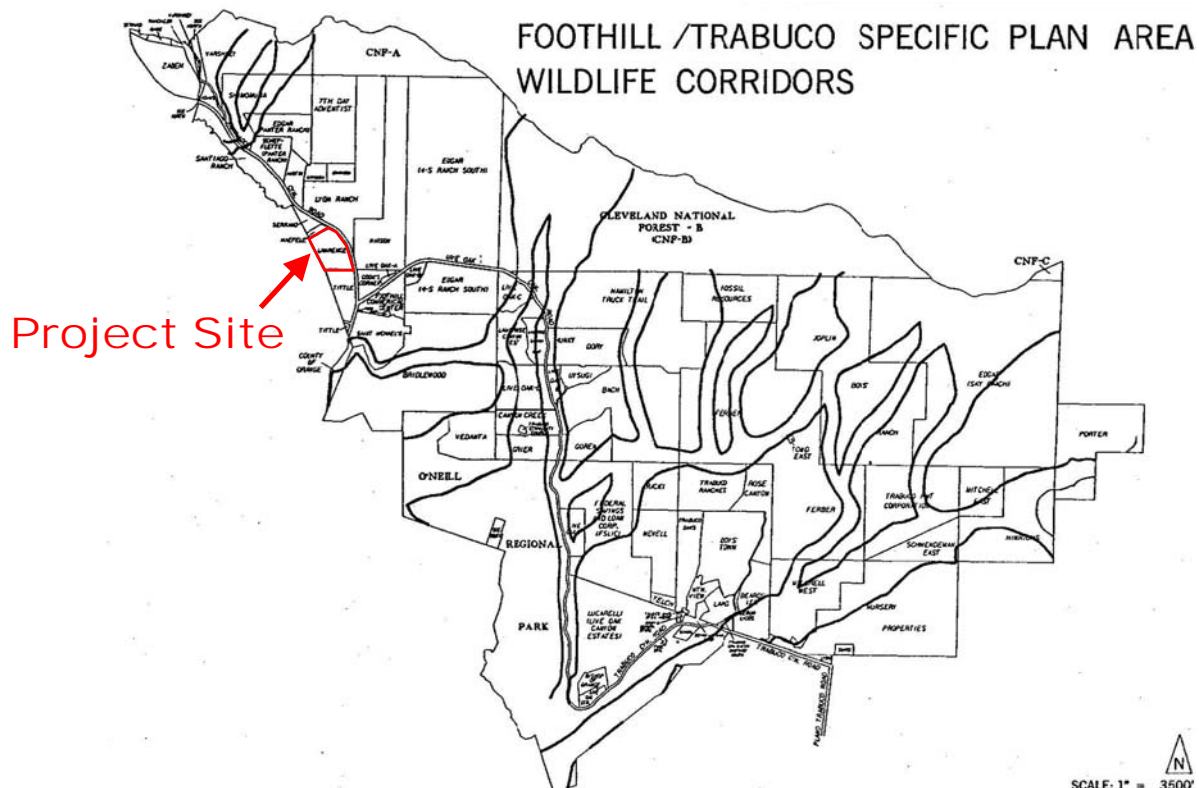
The F/TSP contains the following five (5) goals that apply to all projects within the F/TSP area (page I-5):

- a. Rural Character/Forest Buffer: To preserve the rural character of the area and provide a buffer between urban development and the Cleveland National Forest.
- b. Resource Preservation: To preserve significant landform, biological and scenic resources.
- c. Development Potential: To ensure at least some development potential on each individual property.
- d. Circulation/Infrastructure: To provide for a circulation system and other infrastructure adequate to serve the ultimate level of development permitted.
- e. Equestrian/Recreational Opportunities: To provide equestrian and other recreational opportunities.

The applicant has prepared a Resources Assessment Letter (Attachment No. 16) that contains general information on how the project is consistent with the F/TSP. The photos provided with the application show that the entire property contains architectural elements that are consistent with the Spanish Hacienda and rustic Ranch architectural styles. The project is over 4,000 feet from property owned by the Forest Service; therefore, the project is consistent with the “rural character/forest buffer” goal and subsequent objectives.

The applicant is proposing to preserve and place a preservation easement over the 100-foot scenic setback from Santiago Canyon Road and the Oak Woodlands, as indicated in the MND. Therefore, the project is consistent with the “resource preservation” goal and subsequent objectives.

The applicant is also proposing to legalize all existing development on the property, including one (1) single-family dwelling, two (2) caretaker's units and the commercial structures, and allow for the



Oak Woodlands

According to Exhibit 5 (below), the property contains Oak Woodlands designated areas. MND No. PA080051 identifies the location of Oak Woodlands for the project (Exhibit 6). Section II.C.3.2.d of the F/TSP requires that any identified Oak Woodlands shall be preserved and offered for dedication to the County of Orange. This requirement has been added as Mitigation Measure No. 5.4-8 and Condition of Approval No. 14. The area identified in Exhibit 6 includes areas where the oak tree canopy extends over impervious surfaces. Since these areas are already disturbed, it is not appropriate to require a conservation easement over these areas. The application of this mitigation measure and condition of approval will exclude surfaces that are already impervious. Page 3 of the Oak Management and Preservation Plan (Appendix J of the MND) indicates that a total of 77 oak trees are within 50 feet of the project area. Most of these trees have been documented as in good or excellent health, even though the dripline of some of these trees are over impervious surfaces.

Exhibit 5 – Oak Woodlands

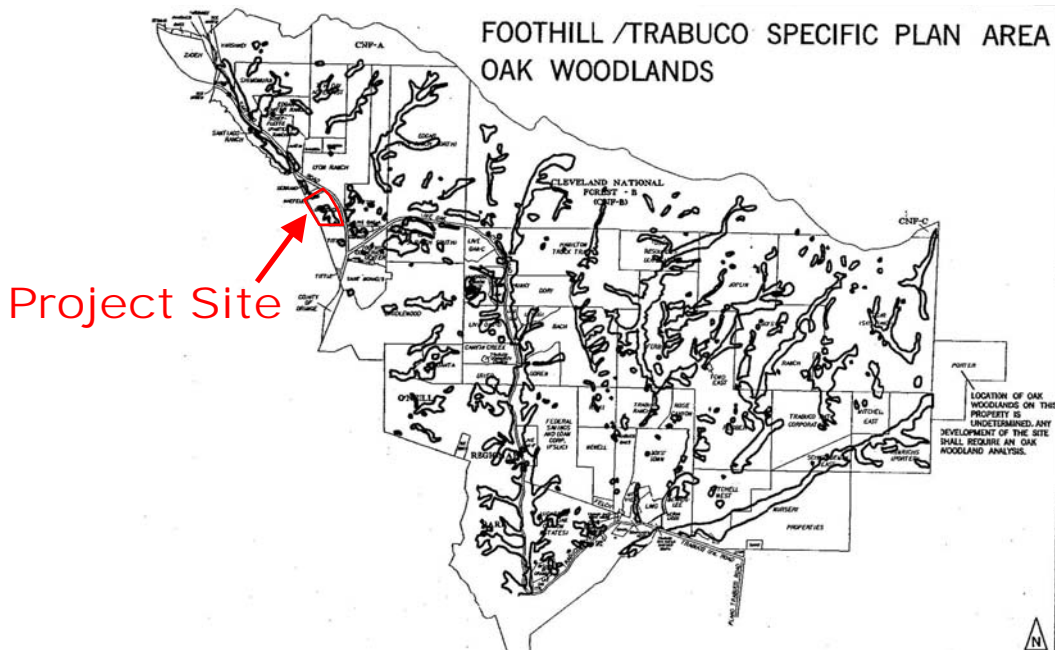
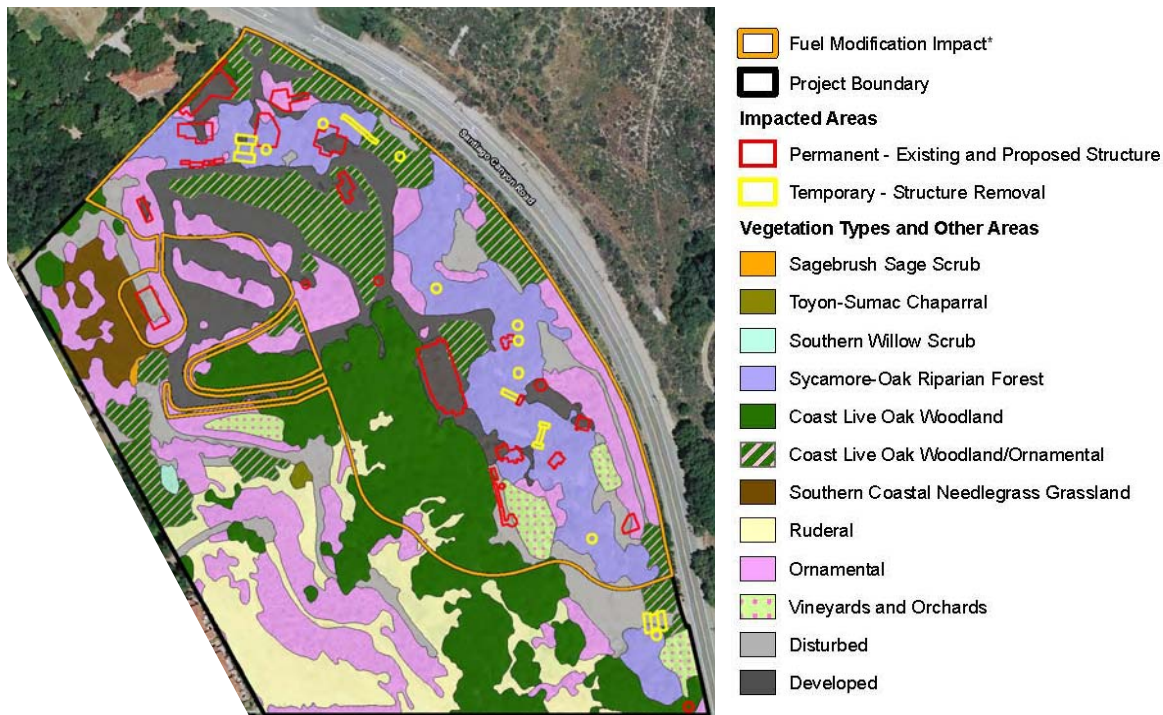


Exhibit 6 – Site Vegetation



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The applicant is not proposing to remove any oak trees. Some oak trees may be trimmed or the understory underneath the oak trees may be cleared to comply with Fuel Modification regulations. Also, the proposed construction to bring the property into compliance with today's requirements will likely occur underneath the canopy of oak trees, but the construction will be within areas that have already been disturbed. Mitigation Measure No. 5.4-7 and Condition of Approval No. 13 have been added during all grading and construction operations, all oak trees located adjacent to the grading envelope, shall be adequately fenced and protected from encroachment from grading and construction equipment. In the event that an oak tree dies as a result of construction activities, the applicant shall submit a Tree Management and Preservation Plan and replace the oak tree at the ratio(s) indicated in the F/TSP. With the incorporation of these Mitigation Measures and Conditions of Approval, the project is consistent with the Oak Woodland requirements.

Streambeds

According to Exhibit 7 (see below), there is a Streambed on the subject property. The proposal consists of removing illegally constructed bridges within the 100-year flood plain so that they are completely removed out of the 100-year flood plain. This portion of the project would require approval from the Army Corp of Engineers (ACOE) and CDFG. All habitable structures are located outside of the 100-year flood plain. Only one structure is within the 100-year flood plain, the Kiosk (Building A-G). However, this is a non-habitable building that is at the 100-year flood plain. Conditions of Approval Nos. 51 and 52 have been added that the applicant provide the County Elevation Certificates for all structures on the property. The project will implement an Erosion and Sediment Control Plan that would reduce erosion or siltation on- or off-site. The project will also

Exhibit 7 – Streambeds



Scenic Roadway Corridors

The proposed gazebo or replacement bridges would not be visible from Santiago Canyon Road. The existing views of the subject property from Santiago Canyon Road would not be altered. The applicant has provided site photos of the existing facility in Attachment No. 9. This section of the F/TSP also requires that the corridor setback area be dedicated to the County. Condition of Approval No. 43 has been added requiring that all areas within 100 feet of Santiago Canyon Road, except for areas identified as “Developed”, “Disturbed”, “Vineyards and Orchards” or as having a “Structure”

in Exhibit 6, shall be preserved and offered to be dedicated to the County of Orange. With the incorporation of this condition, Staff finds the project to be consistent with the Scenic Roadway Corridor section of the F/TSP.

Water and Wastewater

The project is served by the Trabuco Canyon Water District (TCWD). As mentioned in Section II.D. of the F/TSP, Santiago Canyon Road has connections to adequate water and sewer services. The site is serviced by TCWD and no water or sewer improvements are requested as part of the proposal. Therefore, the project is consistent with the Water and Wastewater sections of the F/TSP.

Schools

The project is served by Saddleback Valley Unified School District (SVUSD). According to Section II.D.3.0 of the F/TSP, all projects in excess of 75 gross acres or more shall be evaluated by the school district for the possible inclusion of an elementary school site. The project site is approximately 21.4 acres in size. Additionally, Condition of Approval No. 41 will require that prior to the issuance of a building permit, the applicant shall pay all applicable school fees for all existing unpermitted square footage in accordance with State Law. Therefore, the project is consistent with the School section of the F/TSP.

Fire and Library Services

The F/TSP requires that all new developments participate in the fee for Fire and Library services. However, Orange County Fire Authority (OCFA) has verified that the development fee for the fire station (Station No. 42) has been fulfilled. Therefore, no development fee would be required for Fire Stations.

OCFA has approved a Fuel Modification Plan for the project that establishes requirements for access, fuel modification, building materials, and plant materials (refer to Appendix K of the MND). These requirements have been incorporated into the design of the project. Conditions of Approval Nos. 53 through 60 have been added to ensure compliance with OCFA standards. With the incorporation of these conditions, the proposal is consistent with the Fire Services section of the F/TSP.

The project is located within the Saddleback Branch Library Benefit Area. Therefore, the project will be required to comply with this Library Fee Program. Therefore, the proposal is consistent with the L Services section of the F/TSP.

Recreation Component

The F/TSP indicates that a Class II Bikeway, Santiago Canyon Road Bikeway runs through or adjacent to the project site. Santiago Canyon Road presently has a Class II Bikeway. The applicant's proposal will not alter the design and location of the bikeway. Additionally, the F/TSP indicates that a Santiago Creek Riding and Hiking trail runs near, or adjacent to, the subject site. However, the County has an unimproved easement for a riding and hiking trail on the northwest side of Santiago Canyon Road, adjacent to the Santiago Canyon Estates development. Therefore, the project is consistent with the Recreation Component of the F/TSP.

Phasing Component

Since the project's main access is from Santiago Canyon Road and the project is located outside of the Subareas indicated in Exhibit II-9 of the F/TSP, the requirements for the phasing component are not applicable to the proposed project.

Development Standards

As demonstrated earlier in this report, the proposed project complies with all development standards found in Section III.D.12.0 of the F/TSP, except for the deviations requested as part of the application. Therefore, the proposal is consistent with the development standards in the Rancho Las Lomas district, subject to approval of the requested Site Development Permits and Use Permits.

Landscape Guidelines

The F/TSP requires that an applicant submit a preliminary landscape plan with a Site Development Permit or Use Permit (Section III.E.1.0.b., Page III-76). The applicant's preliminary landscape plan is included as part of the plan package. This identifies a plant list and indicates the existing landscape, the vegetation that will be removed within Aliso Creek, and the landscape that will be planted within Aliso Creek. The landscape architect has indicated that the Preliminary Landscape Plan is consistent with the intent of the F/TSP. The F/TSP Plant Palette is only a guideline rather than regulatory. Lastly, plants within ACOE or CDFG jurisdiction are subject to their review and approval, whose requirements supersede the F/TSP. Condition of Approval Nos. 63 through 66 have been added, requiring a landscape plan check prior to grading permit issuance and requiring that the landscape be installed prior to issuance of a Certificate of Use and Occupancy. This condition is required in Section III.E.1.0.b. of the F/TSP. With the incorporation of this Condition of Approval, the proposal is consistent with this section of the F/TSP.

Animal Regulations

Section III.F of the F/TSP regulates only the residential or commercial keeping of horses. There are no horses kept on the property. Additionally, the applicant has permits from the USDA, CDFG and the County of Orange for the keeping of the animals on site. Therefore, the project is consistent with the animal regulations section of the F/TSP.

Design Guidelines

As indicated in the Consistency Checklist, the proposed project is consistent with the non-mandatory Grading, Drainage and Site Planning Guidelines (Section IV.C.). The proposed project includes structures with differing, yet compatible, rustic architectural styles. All main structures have articulation on all four sides of the buildings and are siting and designed to be built with the topography of the site. The internal circulation takes advantage of the existing topography.

Development Impact Fees

Since the project involves legalizing all of the uses and unpermitted structures on the property, most of the structures would require development impact fees such as School, Park, Library and Road

fees. As discussed above, the development impact fee for Fire Station No. 42 has been fulfilled; therefore Fire fees would not apply to the project. Many of the County development impact fee programs have been in effect since the 1970s, and some have been adopted as recently as 1993. These fees are applied to either residential or commercial construction, or a combination thereof. The County has no record of any development impact fees being paid on the subject property.

Typically, these fee programs require the fees to be paid prior to the issuance of building permit for a particular structure. Generally, there have been no building permits or certificates of occupancy issued for any of the habitable structures on the property. As mentioned earlier in the report, County Assessor's records indicate that there were two habitable structures established on the property prior to 1965. Staff will consider these as two dwellings, providing a credit to the required residential County development impact fees. However, the County does not administer the Transportation Corridor Agency (TCA) fees or school fees. Any credits for these fees will have to be determined by the regulating organization. Prior to the issuance of any building permit, the applicant will be responsible to pay all applicable development impact fees (both County and non-County administered fees). This has been added as Condition of Approval No. 44.

REFERRAL FOR COMMENT AND PUBLIC NOTICE

A Notice of Hearing was mailed to all property owners of record within 300 feet of the subject site on November 16, 2012. Additionally, a notice was posted at the County Hall of Administration, at the 300 N. Flower Osborne Building and at the project site, as required by established public hearing posting procedures. Copies of the planning application were distributed for review and comment to County Divisions, Orange County Fire Authority, Orange County Sheriff, OC Parks and the F/TSP Review Board.

As mentioned in the CEQA section above, no comments were received on the MND. As of the date of the publication of this staff report, the County has received four letters supporting the proposed project. These letters are included as Attachment No. 17.

The F/TSP Review Board held a public meeting for the project on September 12, 2012. The Review Board recommended approval of the project by a 5-0 vote. The approved minutes for this meeting are included as Attachment No. 18.

CONCLUSION

Staff has reviewed the applicant's Site Development and Use Permits requests and found them to be compliant with the intent of the General Plan, Foothill/Trabuco Specific Plan and the County of Orange Zoning Code. Staff is recommending approval of the proposed project.

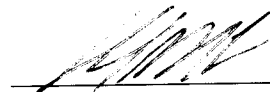
RECOMMENDED ACTION

OC Planning recommends that the Planning Commission:

- a) Receive staff report and public testimony as appropriate;

- b) The Mitigated Negative Declaration was considered and Mitigated Negative Declaration No. PA080051 is found adequate in addressing the impacts related to the project;
- c) On the basis of the whole administrative record there is no substantial evidence that the project, with the implementation of the mitigation measures, will have a significant effect on the environment;
- d) Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074 (d), the Mitigation Monitoring and Reporting Program is adopted;
- e) Mitigated Negative Declaration No. PA080051 is adequate to satisfy the requirements of CEQA for PA080051; and
- f) Approve Planning Application No. PA080051 for the Site Development and Use Permits, subject to the attached recommended Findings and Conditions of Approval.

Respectfully submitted,



Rick LeFeuvre, Director
OC Planning

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

ATTACHMENTS:

- 1. Court Agreement
- 2. Mitigated Negative Declaration No. PA080051
- 3. Mitigation Monitoring and Reporting Program
- 4. Operations Plan
- 5. Animal Permits
- 6. Project Description Letter
- 7. Justification Letter
- 8. Plans
- 9. Site Photos
- 10. Detailed Building Inventory
- 11. Conceptual Grading Plans
- 12. Traffic Engineering Comments
- 13. F/TSP Consistency Checklist
- 14. Architect Consistency Letter
- 15. Civil Engineer Consistency Letter
- 16. Resources Assessment Letter
- 17. Letters in Support of the Project
- 18. September F/TSP Review Board Meeting Minutes



Appendix A Findings PA080051

-
- 1 **ALTERNATIVE SETBACKS** **PA080051 (Custom)**
Complete compliance with the required setbacks would eliminate most development on the north side of Aliso Creek and limit the developable area of the project site due to biological and geological constraints. The applicant has created a landscaped berm to screen the view of the facility from Santiago Canyon Road. This treatment is compatible with the intent of the scenic corridor section of the F/TSP and provides as much, if not more, screening of the project than if it just merely complied with the required setbacks. Therefore, the alternate setbacks will result in an equivalent or better project in terms of adverse impacts and public benefits to the immediate and surrounding community.
-
- 2 **DEVELOPMENT AND DESIGN GUIDELINES** **PA080051 (Custom)**
That the proposed project is in compliance with the Foothill/Trabuco Specific Plan Development and Design Guidelines.
-
- 3 **F/TSP GOALS AND OBJECTIVES** **PA080051 (Custom)**
That the proposed project is consistent with the overall goals and objectives of the Foothill/Trabuco Specific Plan.
-
- 4 **RANCHO LAS LOMAS DISTRICT** **PA080051 (Custom)**
That the proposed project is consistent with the purpose and intent of the Rancho Las Lomas (RLL) District.
-
- 5 **SPECIFIC PLAN COMPONENTS** **PA080051 (Custom)**
The proposed project is in compliance with the applicable F/TSP Specific Plan Components.
-
- 6 **GENERAL PLAN** **PA080051**
That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.
-
- 7 **ZONING** **PA080051**
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.
-
- 8 **COMPATIBILITY** **PA080051**
That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.

9	GENERAL WELFARE	PA080051
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.		
10	PUBLIC FACILITIES	PA080051
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).		
11	NEGATIVE DECLARATION	PA080051 (Custom)
That in accordance with Section 21080(c) of the Public Resources Code and CEQA Guidelines Section 15074, Negative Declaration No PA080051, which reflects the independent judgment of the lead agency, satisfies the requirements of CEQA and is adopted for the proposed project based upon the following findings:		
<p>a. The Negative Declaration and comments on the Negative Declaration received during the public review process were considered and the Negative Declaration was found adequate in addressing the impacts related to the project; and</p> <p>b. On the basis of the whole administrative record there is no substantial evidence that the project, with the implementation of the mitigation measures, if any that are included in the Negative Declaration, will have a significant effect on the environment; and</p> <p>c. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15074 (d), the Mitigation Monitoring and Reporting Program is adopted.</p>		
12	FISH & GAME - SUBJECT	PA080051
That pursuant to Section 711.4 of the California Fish and Game Code, this project is subject to the required fees as it has been determined that potential adverse impacts to wildlife resources may result from the project.		
13	NCCP NOT SIGNIFICANT	PA080051
That the proposed project will not have a significant unmitigated impact upon Coastal Sage Scrub habitat and therefore, will not preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.		
14	FENCE AND WALL 1	PA080051 (Custom)
The entry gate is located approximately 32 feet from the edge of pavement of Santiago Canyon Road and the trash enclosure is located about 16 feet from the edge of pavement of Santiago Canyon Road. However, the trash enclosure is located about 35 feet west of the project entrance. The Traffic Division is not opposed to the location of these structures, as long as they provide adequate site distance. Therefore, with the incorporation of this condition, the height and location of the fence or wall will not result in or create a traffic hazard.		
15	FENCE AND WALL 2	PA080051 (Custom)
Both the trash enclosure and the entry gate are having been built at their present locations.		

The entry gate is ornate and has numerous Spanish architectural elements. This entry gate is an enhancement to the surrounding area and is a significant architectural feature. The trash enclosure consists of a wood fence, and blends in with the surrounding environment. Therefore, the location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

16 **PARKING MODIFICATION 1** **PA080051 (Custom)**

The subject property primarily functions as a convention and wedding event center located within a rural area of the County. Therefore, the applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property.

17 **PARKING MODIFICATION 2** **PA080051 (Custom)**

The Traffic Division has reviewed the requests for the parking modifications and determined that they are not objectionable. The property has been in operation for over 20 years and OC Planning is not aware of any issues with internal circulation or parking provided on-site. Additionally, OCFA has approved site circulation for fire apparatus access for emergency access. Therefore, the proposed off-street parking facilities comply with the intent of Section 7-9-145.1 "Off-Street Parking Regulations" of the Orange County Zoning Code.

18 **SCENIC CORRIDOR** **PA080051 (Custom)**

That the use proposed, with the conditions of approval, is compatible with the character of the Santiago Canyon Road scenic corridor and any specific plans or programs established for a scenic highway.



Appendix B

Conditions of Approval

PA080051

1 BASIC/ZONING REGULATIONS PA080051

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance or approval of the project regarding any other applicable ordinance, regulation or requirement.

2 BASIC/TIME LIMIT PA080051

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 BASIC/PRECISE PLAN PA080051

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, OC Planning, for approval. If the Director, OC Planning, determines that the proposed change complies with the provisions and the spirit and intent of the original approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4 BASIC/COMPLIANCE PA080051

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

5 INDEMNIFICATION PA080051

Applicant shall defend with counsel approved by the County of Orange in writing, indemnify and hold harmless the County of Orange, its officers, agents and employees from any claim, action or proceeding against the County, its officers, agents or employees to attack, set aside, void, or annul any approval of the application or related decision, or the adoption of any environmental documents, findings or other environmental determination, by the County of Orange, its Board of Supervisors, Planning Commission, Zoning Administrator, Director of OC Public Works, or Director of Planning concerning this application. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County shall promptly notify the applicant of any such claim, action or proceeding.

6 BASIC/APPEAL EXACTIONS PA080051

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or

other exactions imposed on this project through the conditions of approval has begun.

7 PRIVATE IMPROVEMENTS PA080051 (Custom)

Prior to the issuance of any building permit, the applicant shall demonstrate that curbs, gutters, sidewalks, and street lights shall not be allowed unless necessary for safety purposes, subject to the approval of the Manager, Permit Services.

8 SCAQMD RULE 403 COMPLIANCE PA080051 (Custom)

Prior to issuance of a precise Grading Permit for the bridges, the property owner/developer shall provide written evidence of compliance to the Planning Director or Planning Services Manager that all construction activities shall comply with SCAQMD Rule 403, which shall assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 (Tables 1, 2, and 3 of Rule 403) requires that fugitive dust be controlled with the best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. This requirement shall be included as notes on the contractor specifications.

9 HABITAT MITIGATION AND MONITORING PLAN PA080051 (Custom)

A section will be added to the Habitat Mitigation and Monitoring Plan (HMMP) described in MM 5.4-2 to

address maintenance activities within the southern coastal needlegrass grassland area. The plan will identify modifications necessary to the current maintenance activities to minimize effects on native grasses and herbs. This may include hand weeding; mowing after native grasses have already set seed for the year; biological monitoring during weed-abatement activities; or other measures deemed appropriate to protect these resources. The HMMP shall be prepared by a qualified Biologist and will be submitted to the County for review and approval to verify that native grassland has been adequately preserved and/or mitigated prior to the issuance of a grading permit.

If the southern coastal needlegrass grassland would be removed (e.g., mowing for fuel modification purposes), focused surveys for special status plants will be conducted within the impact area during the peak flowering period (to be determined by monitoring a reference population). The special status plant surveys will follow the most current survey guidelines (CDFG 2009a or subsequent guideline updates). If any of these species are located within the impact area, the impact would be considered potentially significant, depending on the status of the species and the number of individuals observed. If practicable, the project boundary will be adjusted to avoid impacts on these species. The CNPS does not support any mitigation for special status plants other than avoidance. If the impact is determined to be significant and avoidance is not possible, a strategy including the following measures will be developed based on the most current guidelines (CDFG 2009 or subsequent updates):

- Avoiding impacts to species to the extent possible through project planning;
- Minimizing impacts;
- Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the project; and
- Compensating for the impact by replacing or providing substitute resources or environments.

If thread-leaved brodiaea is present in the impact area, the project should be redesigned to avoid impacts on this species. If avoidance is not feasible, the Applicant will obtain authorization from the U.S. Fish and Wildlife Service (USFWS) and the CDFG to impact this species. A mitigation plan will be developed in accordance with and approved by the USFWS and the CDFG. Specific measures including but not limited to avoidance, minimization, and compensation will be determined through consultation with the resource agencies. A detailed mitigation plan will be prepared by a qualified Biologist for USFWS and CDFG approval.

The intermediate mariposa lily is addressed in the Central-Coastal NCCP/HCP as an Identified Species that is covered in accordance with the “conditions of coverage” set forth in Section 8.3.2 of the NCCP/HCP IA. If less than 20 individuals of this species are located in the impact area, the impact would be considered fully covered by the County’s participation in the NCCP/HCP, and no further mitigation would be required. However, if more than 20 individuals of this species are located within the impact area, the impact would be considered significant. If avoidance is not feasible, the applicant will obtain authorization from the USFWS and the CDFG to impact this species. Under the NCCP/HCP IA, a mitigation plan will be developed in accordance with and approved by the USFWS and the CDFG. Specific measures including but not limited to avoidance, minimization, and compensation will be determined through consultation with the resource agencies. A detailed mitigation plan will be prepared by a qualified Biologist for USFWS and CDFG approval.

If other special status plant species are located within proposed impact areas, their rarity and abundance will be evaluated by the Project Biologist. A memo will be prepared by the Project Biologist to document the findings of the focused surveys and the evaluation of Project impacts. If the finding is considered to be significant, the appropriate mitigation will be included in the memo and will be implemented by the Project Applicant. Specific measures including, but not limited to, avoidance, minimization, and compensation will be determined through consultation with the County. A detailed mitigation plan will be prepared by a qualified Biologist for County approval.

10

NESTING BIRD SURVEY

PA080051 (Custom)

Vegetation removal/weed abatement activities will occur from September 16 to January 31, which is outside the peak bird nesting season (February 15–September 15; February 1–June 30 for raptors) to the extent practicable. If these activities cannot occur outside of this time frame, a nesting bird survey will be conducted by a qualified Biologist within three days prior to the onset of vegetation removal/weed abatement activities. The nesting survey shall be provided to the Manager, Permit Services prior to the commencement of any grading activity for the bridges. If no active nests are found, no further mitigation would be required.

If nesting activity is present on the project site, the active site will be protected until nesting activity has ended to ensure compliance with the MBTA and Section 3503.5 of the California Fish and Game Code. To protect the nest, the following restrictions will be required until the nest is no longer active, as determined by a qualified Biologist: (1) clearing limits will be established (25–200 feet depending on the sensitivity of the species; a minimum of 300 feet for nesting raptors) in any direction from any occupied nest and (2) access and surveying will be restricted within the buffer. Any encroachment into the buffer area around the known nest will only be allowed if it is determined by a qualified Biologist that the proposed activity will not disturb the nest occupants.

11 **MITIGATION TO JURISDICTIONAL AREAS PA080051 (Custom)**

Prior to any impacts on jurisdictional areas, permits/agreements/certifications from the USACE (i.e., a Section 404 Permit), the RWQCB (i.e., a Section 401 Water Quality Certification), and the CDFG (i.e., a Section 1602 Streambed Alteration Agreement) shall be obtained for direct and indirect impacts on areas within these agencies' jurisdictions. As part of the permitting process, the proposed project includes a riparian habitat restoration element that will serve as retroactive mitigation for the loss of jurisdictional resources resulting from the previously conducted vegetation removal. If the resource agencies approve this mitigation, an HMMP shall be prepared and submitted to the regulatory agencies containing the following items:

- Responsibilities and qualifications of the personnel to implement and supervise the plan. The responsibilities of the Landowner, Specialists, and Maintenance Personnel that would supervise and implement the plan will be specified.
- Site preparation and planting implementation. Site preparation will include (1) protection of existing native species; (2) trash and weed removal; (3) native species salvage and reuse (i.e., duff); (4) soil treatments (i.e., imprinting, decompacting); (5) temporary irrigation installation; (6) erosion-control measures (i.e., rice or willow wattles); (7) seed mix application; and (8) container species planting. Plant materials will be obtained from local sources (i.e., from sources within 30 miles of the project site).
- Schedule. A schedule will be developed, which includes planting in late fall and early winter (i.e., between October 1 and January 30).
- Maintenance plan/guidelines. The Maintenance Plan will include (1) weed control; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance; (5) maintenance training; and (6) replacement planting.
- Monitoring Plan. The Monitoring Plan will include (1) qualitative monitoring (i.e., photographs and general observations); (2) quantitative monitoring (i.e., randomly placed transects); (3) performance criteria, as approved by the resource agencies; and (4) guidelines for developing regular site progress reports and annual status reports. The site will be monitored and maintained for up to ten years to ensure successful establishment of riparian habitat within the restored areas. Annual status reports will be submitted to the USACE and CDFG each year throughout the monitoring and maintenance program.
- Long-term preservation. Long-term preservation of the site will also be outlined in the conceptual Mitigation Plan to ensure the mitigation site is not impacted by future development.

12 **OAK MANAGEMENT AND PRESERVATION PLAN PA080051 (Custom)**

Prior to the issuance of the first grading permit, an Oak Management and Preservation Plan shall be submitted to the County to document consistency with the Foothill/Trabuco Specific Plan. Specific protection and management measures found in this plan that minimizes impacts during facility use and operation shall be implemented by the Property Owner.

13 **GRADING NEAR OAK AND SYCAMORE TREES PA080051 (Custom)**

Grading, placement of fill, storage of building materials and heavy equipment, structural development and hardscape shall be prohibited within the dripline of any oak or sycamore

trees.

During all construction and grading operations, all oak and sycamore trees on the site located adjacent to the limits of grading and identified on the plans as trees to be preserved, shall be adequately fenced and protected from encroachment by grading and construction equipment. In the event that any oak or sycamore trees identified for preservation in the plans are inadvertently or intentionally injured or removed, the applicant shall submit a Tree Management and Replacement Plan for the damaged tree(s). When applicable, the Tree Management and Preservation Plan shall be submitted, reviewed by OC Planning and approved prior to the issuance of any additional permits and/or certificate of use and occupancy for the project. All trees removed shall comply with the replacement ratios found in Section III.E.1.0.c. of the F/TSP.

14 **SCENIC PRESERVATION FOR OAK PA080051 (Custom)**
 WOODLAND AREA

Prior to the issuance of a building permit, the applicant shall dedicate an easement for scenic/resource preservation purposes over the oak woodland areas indicated on the Oak Tree Management Plan to the County of Orange or its designee in a manner approved by the Manager, OC Parks and/or Manager, OC Community Development. The applicant shall not grant any easement(s) over the property subject to the resource preservation easement unless such easement(s) are first reviewed and approved by the Manager, OC Parks and/or Manager, OC Community Development. Maintenance of the resource preservation easement area shall be the responsibility of the applicant or assigns and successors and shall not be included in said easement offer.

Prior to the issuance of a building permit, or as determined by the Manager OC Parks and/or Manager, OC Community Development, the applicant shall survey and monument all scenic/resource preservation easement dedications. The applicant shall monument the property line of the dedication area(s) with durable, long lasting, high visibility markers at all angle points and line of sight obstructions to the satisfaction of the Manager, OC Parks and/or Manager, OC Community Development.

15 **EXCAVATION DISCOVERIES PA080051 (Custom)**

If human remains are encountered during excavation activities, all work shall halt and the County Coroner shall be notified (California Public Resources Code §5097.98). The Coroner will determine whether the remains are of forensic interest. If the Coroner, with the aid of the County-approved Archaeologist, determines that the remains are prehistoric, s/he will contact the Native American Heritage Commission (NAHC). The NAHC shall be responsible for designating the most likely descendant (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD shall make his/her recommendation within 48 hours of being granted access to the site. The MLD's recommendation shall be followed if feasible, and may include scientific removal and non-destructive analysis of the human remains and any items associated with Native American burials (California Health and Safety Code §7050.5). If the landowner rejects the MLD's recommendations, the landowner shall rebury the remains with appropriate dignity on the property in a location that will not be subject to further subsurface disturbance (California Public Resources Code §5097.98).

16 **UNSTABLE MATERIALS PA080051 (Custom)**

17	FILLS	PA080051 (Custom)
	<p>All fills shall be placed in lifts not exceeding six inches in thickness, and then watered or air-dried as necessary to achieve a moisture content that is two to five percent above optimum moisture content, thoroughly blended, and then compacted in place to a minimum relative compaction of 90 percent. This measure shall be subject to verification by the project geotechnical consultant.</p>	

17 **FILLS** **PA080051 (Custom)**

All fills shall be placed in lifts not exceeding six inches in thickness, and then watered or air-dried as necessary to achieve a moisture content that is two to five percent above optimum moisture content, thoroughly blended, and then compacted in place to a minimum relative compaction of 90 percent. This measure shall be subject to verification by the project geotechnical consultant.

18 **SHALLOW TRENCH ALTERNATIVE** PA080051 (Custom)

As an alternative for shallow trenches where pipe could be damaged by mechanical compaction equipment (such as under building floor slabs), imported clean sand with a Sand Equivalent value of 30 percent could be utilized. No specific relative compaction would be required; however, observation and probing, and if deemed necessary, testing shall be performed by a representative of the project geotechnical consultant to verify adequate compaction.

19 **LIMITED GRADING ON SLOPES PA080051 (Custom)**
EXCEEDING 45 PERCENT GRADES

No grading shall occur on slopes exceeding 45 percent except for fuel-breaks and community-wide emergency access routes. Subject to verification by the project geotechnical consultant.

20 UTILITY TRENCH BACKFILL PA080051 (Custom)

All utility trench backfill shall be compacted to a minimum relative compaction of 90 percent. When on-site soils are used as backfill, mechanical compaction shall be utilized. Density testing, along with probing, would be performed to verify adequate compaction. This shall be subject to verification by the project geotechnical consultant.

21 BACKFILL PA080051 (Custom)

Backfill shall be placed in approximately 12- to 18-inch-thick maximum lifts, and then mechanically compacted with a hydra-hammer, pneumatic tamper, or similar mechanism that would be able to achieve the minimum relative compaction of 90 percent. This shall be subject to verification by the project geotechnical consultant.

22 UTILITY TRENCHES PARALLEL TO PA080051 (Custom)
BUILDING FOOTING

Should utility trenches be proposed parallel to any building footing (interior or exterior trench), the bottom of the trench shall not extend below a 1:1 plane, which would be projected downward from the outside bottom edge of the adjacent footing. When this condition occurs, the adjacent footing shall be deepened, or the trench backfilled with sand-cement slurry. This shall be subject to verification by the project geotechnical consultant.

23 **GEOTECHNICAL CONSULTANT** **PA080051 (Custom)**

A geotechnical consultant shall be present on site during grading operations to verify proper

placement and compaction of all fills, as well as to verify compliance with all other mitigation requirements. Prior to the issuance of a grading permit, the applicant shall submit proof that a geotechnical consultant has been retained to observe grading operations.

**24 OBSERVATIONS OF EXPOSED BOTTOM PA080051 (Custom)
SURFACES**

Exposed bottom surfaces in each removal area would be observed and approved by the project geotechnical consultant prior to placing fill, and no fills would be placed without prior approval from the geotechnical consultant.

**25 CALIFORNIA HISTORIC RESOURCES PA080051 (Custom)
RECORDING**

Pursuant to the Office of Historic Preservation (1995) Instructions for Recording Historical Resources, which suggests recording any resource over 45 years of age, prior to the issuance of a building permit, the applicant shall provide the County evidence that the original house and barn noted on the property shall be recorded on State of California Department of Parks and Recreation (DPR) 523 site recording forms and entered into the California Historic Resources Information System (CHRIS) database at the South Central Coastal Information Center (SCCIC).

26 CODE COMPLIANCE PA080051 (Custom)

The proposed project shall be in conformance with the 2010 California Building Standards Code which includes the 2010 California Building Code, the Electrical Code, the Mechanical Code, the Plumbing Code, and the Energy Code. Prior to the issuance of a grading permit, the applicant shall submit proof to the Manager, Permit Services that the project is in conformance with the 2010 California Building Code.

**27 RIPARIAN VEGETATION PA080051 (Custom)
PRESERVATION**

The natural character of all watercourses and areas subject to flooding including riparian vegetation shall be preserved.

28 OUTBOUND TRAFFIC RESTRICTION PA080051 (Custom)

Prior to the issuance of the first grading permit, the applicant shall restrict outbound traffic at the project driveway (Lawrence Canyon Road) to right turns only, in a manner meeting the approval of the Manager, Traffic Engineering.

29 SOUTHBOUND RIGHT TURN POCKET PA080051 (Custom)

Prior to the issuance of the first grading permit, the applicant shall install a southbound right-turn pocket on Santiago Canyon Road at the project driveway (Lawrence Canyon Road), in a manner meeting the approval of the Manager, Traffic Engineering.

30 SECOND DRIVEWAY RESTRICTION PA080051 (Custom)

Prior to the issuance of the first grading permit, the applicant shall restrict the use of the south driveway to emergency vehicles only, in a manner meeting the approval of the Manager, Traffic Engineering.

31 COUNTY PROPERTY PERMIT PA080051 (Custom)

REQUIRED

Prior to the issuance of a grading permit, a County Property Permit (encroachment permit) is required for all improvements within the County's right-of-way.

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| 32 | MITIGATION MONITORING | PA080051 (Custom) |
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- Applicant shall comply with the adopted Mitigation Monitoring and Reporting Program, including all Mitigation Measures and Standard Conditions of Approval, for the subject project as provided in MND No. PA080051.
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| 33 | ANIMAL PERMITS | PA080051 (Custom) |
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- The applicant and/or property owner shall have current permits with applicable County, State and Federal agencies for the keeping of exotic animals. The owner will be required to provide verification of these permits at any time upon request by the County. Non-compliance with this condition could result in revocation of the Use Permit for the zoological gardens, per Section 7-9-150.7 of the County of Orange Zoning Code.
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| 34 | LOT MERGER | PA080051 (Custom) |
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- Prior to the issuance of a building permit, the applicant shall complete a lot merger to combine the two parcels into one.
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| 35 | DEED RESTRICTION FOR
GUESTHOUSE (BUILDING G) | PA080051 (Custom) |
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- Prior to the issuance of a Building Permit for Building G, the applicant shall record a deed restriction limiting Building G to only be used by the property owner and guests. The deed restriction shall state that no permanent residents are permitted within this building and that no kitchen facilities are allowed within this building.
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| 36 | GRADING PERMIT REQUIRED | PA080051 (Custom) |
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- Prior to the issuance of any building permit, the applicant shall obtain approval of a grading permit that legalizes all grading that has occurred on the property.
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| 37 | BUILDING D DEED RESTRICTION | PA080051 (Custom) |
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- Prior to the issuance of a Building Permit for Building D, the applicant shall record a deed restriction onto the property limiting the use of Building D. The deed restriction shall state that no events may be held within this building.
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| 38 | HORTICULTURE USE | PA080051 (Custom) |
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- Palm trees may be removed as part of the approved horticultural use. However, once a tree has been removed from the soil, the tree shall be replaced at a one to one ratio. For this use only, the minimum tree size required in the F/TSP (15 gallon) is not required for the replacement tree. Should the horticultural use on the property cease for a period of more than one (1) year, all tree removal on the property would be subject to a Tree Management and Preservation Plan, as required per the F/TSP. This condition is not applicable to any native oak or sycamore tree for which the requirements of Condition No. 12 apply.
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| 39 | CERTIFICATE OF USE AND
OCCUPANCY REQUIRED | PA080051 (Custom) |
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Prior to the issuance of any building permit for the commercial uses on the property, the applicant shall obtain a certificate of use and occupancy for the commercial uses on the property. This certificate of use and occupancy shall clearly indicate that no more than 400 guests are allowed on the property at any time. When the property is sold, future property owners are required to obtain a certificate of use and occupancy, even if no structural alterations are proposed, should the future owner desire the use to continue. Future certificates of use and occupancy shall also indicate that no more than 400 guests are allowed on the property at any time.

40	VALET PARKING	PA080051 (Custom)
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Due to the unique parking design of the property, valet service shall be required for any event where more than 30 guests are anticipated to arrive.

41	SCHOOL FEES	PA080051 (Custom)
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Prior to the issuance of a building permit, when applicable, the applicant shall demonstrate that school fees have been paid in accordance with State Law.

42	SANTIAGO CANYON ROAD RIGHT-OF-WAY DEDICATION	PA080051 (Custom)
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Prior to the issuance of a building permit, the applicant shall make an irrevocable offer of dedication for the proposed ultimate right-of-way for Santiago Canyon Road, subject to the satisfaction of the Manager, Traffic Engineering.

43	SCENIC CORRIDOR EASEMENT	PA080051 (Custom)
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Prior to the issuance of a building permit, all areas within 100 feet of Santiago Canyon Road, except for areas identified as "Developed", "Disturbed", "Vineyards and Orchards" or as having a "Structure" in Exhibit 6 of MND No. PA080051, shall have a scenic preservation easement recorded. This easement shall be offered to the County of Orange.

44	DEVELOPMENT IMPACT FEES	PA080051 (Custom)
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Prior to the issuance of any building permit, the applicant shall be responsible to pay all applicable development impact fees (both County and non-County administered fees, such as Park, School, Library and Road fees).

45	ARCHAEO OBS & SALVAGE	PA080051 (Custom)
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Prior to the issuance of the grading permit for the construction and replacement of the bridges, the applicant shall provide written evidence to the Manager, Permit Services, that applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources as necessary. The archaeologist shall be present at the pre-grade conference, shall establish procedures for archaeological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit the sampling, identification, and evaluation of the artifacts as appropriate. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions, in cooperation with the project applicant, for exploration and/or salvage.

Prior to the release of the grading bond the applicant shall obtain approval of the archaeologist's follow-up report from the Manager, Permit Services. The report shall include

the period of inspection, an analysis of any artifacts found and the present repository of the artifacts. The archaeologist shall prepare excavated material to the point of identification. Applicant shall offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, Permit Services. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.

46 **PALEO OBSERVATION & SALVAGE PA080051 (Custom)**

Prior to the issuance of the grading permit for construction and replacement of the bridges, the project applicant shall provide written evidence to the Manager, Permit Services, that applicant has retained a County certified paleontologist to observe grading activities and salvage and catalogue fossils as necessary. The paleontologist shall be present at the pre-grade conference, shall establish procedures for paleontological resource surveillance, and shall establish, in cooperation with the applicant, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of the fossils. If the paleontological resources are found to be significant, the paleontologist shall determine appropriate actions, in cooperation with the applicant, to ensure proper exploration and/or salvage.

Prior to the release of the grading bond the applicant shall submit the paleontologist's follow up report for approval by the Manager, Permit Services. The report shall include the period of inspection, a catalogue and analysis of the fossils found, and the present repository of the fossils. Applicant shall prepare excavated material to the point of identification, and offer excavated finds for curatorial purposes to the County of Orange, or its designee, on a first refusal basis. These actions, as well as final mitigation and disposition of the resources, shall be subject to approval by Manager, Permit Services. Applicant shall pay curatorial fees if an applicable fee program has been adopted by the Board of Supervisors, and such fee program is in effect at the time of presentation of the materials to the County of Orange or its designee, all in a manner meeting the approval of the Manager, Permit Services.

47 **DRAINAGE STUDY PA080051 (Custom)**

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the following drainage studies shall be submitted to and approved by the Manager, Permit Services:

1. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions; and
 2. When applicable, a drainage study evidencing that proposed drainage patterns will not overload existing storm drains; and
 3. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding, will allow building pads to be safe from inundation from rainfall runoff which may be expected from all storms up to and including the theoretical 100-year flood.
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48 POSITIVE DRAINAGE FACILITIES PA080051 (Custom)

Positive drainage facilities (such as sloping concrete flatwork and graded earth swales), which ensure complete drainage within 48 hours of rainfall during ambient drying conditions, shall be provided around new construction areas to direct all surface waters away from structure foundations and building walls. This shall be subject to verification by the project geotechnical consultant.

49 DRAINAGE IMPROVEMENTS 1 PA080051 (Custom)

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the issuance of any grading permits, whichever comes first, the applicant shall in a manner meeting the approval of the Manager, Permit Services:

1. Design provisions for surface drainage; and
 2. Design all necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff; and
 3. Dedicate the associated easements to the County of Orange, if determined necessary.
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50 DRAINAGE IMPROVEMENTS 2 PA080051 (Custom)

Prior to the recordation of a subdivision map (except maps for financing and conveyance purposes only) or prior to the approval of final inspection, whichever occurs first, said improvements shall be constructed, or provide evidence of financial security (such as bonding), in a manner meeting the approval of the Manager, Inspection.

51 FLOODPLAIN ELEVATION 1 PA080051 (Custom)

Prior to the approval of a grading permit per Zoning Code Section 7-9-113, the applicant shall submit an Elevation Certificate to the Manager, Permit Services, identifying the base flood elevation and certifying that the planned elevation of the lowest floor, including basements, is at least one (1) foot above the Base Flood Elevation (BFE). (NOTE: To eliminate FEMA requirements for flood insurance, the lowest elevation of any part of the structure, not only the lowest floor, must be above the BFE.)

52 FLOODPLAIN ELEVATION 2 PA080051 (Custom)

Prior to the final inspection approval for any building, the applicant shall complete Section "E" of the Elevation Certificate, identifying the Base Flood Elevation (BFE) and certifying that the as-built lowest floor, including basements, as constructed, is at least one (1) foot above the BFE, in a manner meeting the approval of the Manager, Permit Services. (NOTE: To eliminate FEMA requirements for flood insurance, the lowest elevation of any part of the structure, not only the lowest floor, must be above the BFE.)

53 FUEL MODIFICATION PLAN 1 PA080051 (Custom)

Prior to the issuance of a building permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA allowing the introduction of combustible materials into the project area.

54 FUEL MODIFICATION PLAN 2 PA080051 (Custom)

Prior to the approval of final inspection, the applicant must provide the Manager, Permit Services with a clearance from OCFA confirming that the approved fuel modification plan has been installed and completed.

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- 55 FUEL MODIFICATION PLAN 3 PA080051 (Custom)**
Prior to the recordation of a subdivision map (except for conveyance purposes) or the issuance of a preliminary grading permit (whichever occurs first), the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a conceptual or precise fuel modification plan.
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- 56 FUEL MODIFICATION PLAN 4 PA080051 (Custom)**
Prior to the issuance of a precise grading permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), demonstrating approval of a precise fuel modification plan.
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- 57 FIRE MASTER PLAN 1 PA080051 (Custom)**
Prior to the issuance of a grading permit, the applicant must provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating that a Fire Master Plan has been prepared that complies with Fire Code Chapter 5 and Guideline B-09.
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- 58 FIRE MASTER PLAN 2 PA080051 (Custom)**
Prior to the issuance of any grading permit (with the exception of initial mass grading of a large scale project), the applicant shall provide the Manager, Permit Services with a clearance from OCFA indicating that a Fire Master Plan has been prepared that complies with Guideline B-09 including identification of access to and within the project area.
- *Note-refer to the OCFA website to obtain a copy of Guideline B-09 for information regarding the submittal requirements.
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- 59 ACCESS GATES AND REMOTE GATE PA080051 (Custom)**
OPENING DEVICES 1
Prior to the issuance of any grading or building permits allowing construction of any gate across an OCFA required emergency accessway, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with Guideline B-09.
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- 60 ACCESS GATES AND REMOTE GATE PA080051 (Custom)**
OPENING DEVICES 2
Prior to the issuance of any grading or building permits allowing construction of any gate across an OCFA required emergency accessway requiring a remote gate opening device, the applicant shall provide the Manager, Permit Services with a clearance from OCFA, or other Local Fire Agency (if applicable), indicating compliance with Guideline B-06.
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- 61 GEOLOGY REPORT PA080051 (Custom)**
Prior to the issuance of a grading permit for construction of the bridges, the applicant shall submit a geotechnical report to the Manager, Permit Services, for approval. The report shall include the information and be in the form as required by the Grading Code and Grading Manual and should evaluate the existing graded conditions as they impact the existing buildings and site in general. Evaluation is to determine compliance with current Grading and Building Codes and/or what will be necessary to comply with said codes.
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62 CROSS LOT DRAINAGE PA080051 (Custom)

Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the Manager, Permit Services, the applicant shall record a letter of consent from the affected property owners permitting offsite grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the Manager, Permit Services before recordation of the letter.

63 PRIVATE LANDSCAPING 1 PA080051 (Custom)

Prior to the issuance of precise grading permits, the applicant shall submit a detailed landscape plan for the project area which shall be approved by the Manager, Permit Services in consultation with the Manager, OC Planning. The plan shall be certified by a licensed landscape architect or a licensed landscape contractor, as required, as taking into account approved preliminary landscape plan (if any), County Standard Plans for landscape areas, adopted plant palette guides, applicable scenic and specific plan requirements, and water conservation measures contained in the County of Orange Landscape Code (Ord. No. 09-010).

64 PRIVATE LANDSCAPING 2 PA080051 (Custom)

Prior to the approval of final inspection, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify that it was installed in accordance with the approved plan.

65 PRIVATE LANDSCAPING 3 PA080051 (Custom)

Prior to the approval of final inspection, the applicant shall furnish said installation certification, including an irrigation management report for each landscape irrigation system, and any other implementation report determined applicable, to the Manager, Permit Services.

66 PRIVATE LANDSCAPING 4 PA080051 (Custom)

Prior to the issuance of a Grading Permit, the applicant shall submit a Landscape Plan to the County for review. The Landscape Plan shall indicate the landscape planting palettes and certification will be reviewed by a qualified Biologist to ensure that no invasive, exotic plant species are used in any proposed landscaping. Landscape palettes should include native species as much as possible, as well as non-invasive ornamental species.

67 LIGHT AND GLARE 1 PA080051 (Custom)

Prior to issuance of any building permit, the applicant shall demonstrate that all exterior lighting has been designed and located so that all direct rays are confined to the property in a manner meeting the approval of the Manager, Permit Services.

68 LIGHT AND GLARE 2 PA080051 (Custom)

Prior to the issuance of any building permit, the applicant shall demonstrate that parking lot roadway, walkway, and security lighting fixtures shall not project above the roofline of any building and are to be shielded and oriented in a manner so that direct light rays are confined onto the subject property, subject to the approval of the Manager, Permit Services.

69 LIGHT AND GLARE 3 PA080051 (Custom)

Prior to the approval of final inspection, applicant shall provide a letter from the electrical engineer, licensed landscape architect, or licensed professional designer, that a field test has been performed after dark and the light rays are confined to the premises. The letter shall be submitted to the Manager, Inspection for review and approval.

Note: High voltage lighting requires a licensed electrical engineer stamp.

70 CONSTRUCTION NOISE 1 PA080051 (Custom)

Prior to the issuance of any grading permits for the construction of the bridges, the project proponent shall produce evidence acceptable to the Manager, Building Permits Services, that:

- 1) All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- 2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- 3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

71 CONSTRUCTION NOISE 2 PA080051 (Custom)

During construction, the Project Applicant shall ensure that all noise-generating activities shall occur between 7:00 AM and 8:00 PM on weekdays and Saturdays. No noise-generating activities shall occur on Sundays or federal holidays (Codified Ordinances of the County of Orange Section 4-6-7[e]).

72 ROAD FEE PROGRAM PA080051 (Custom)

Prior to the issuance of building permits, the applicant shall pay applicable fees for the Major Thoroughfare and Bridge Fee Program listed below, in a manner meeting the approval of the Manager, Permit Services.

- Foothill/Eastern Transportation Corridor
- Santiago Canyon Road
- San Joaquin Hills Transportation Corridor

73 SIGHT DISTANCE PA080051 (Custom)

Prior to the issuance of any grading permits, the applicant shall provide adequate sight distance per Standard Plan 1117 at all street intersections, in a manner meeting the approval of the Manager, Traffic Engineering. The applicant shall make all necessary revisions to the plan to meet the sight distance requirement such as removing slopes or other encroachments from the limited use area in a manner meeting the approval of the Manager, Traffic Engineering.

74 NPDES PA080051 (Custom)

Prior to issuance of a building permit, the Applicant will apply for coverage under the State Water Resources Control Board's General Permit for Storm Water Discharge Associated with Construction Activity (Construction Activities General National Pollutant Discharge Elimination System [NPDES] Permit) and will comply with all the provisions of the permit, including the development of a Storm Water Pollution Prevention Plan, which includes provisions for the implementation of Best Management Practices (BMPs) and erosion-control measures.

75 **WATER QUALITY MANAGEMENT PLAN PA080051 (Custom)**

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Permit Services, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. The applicant shall utilize the Orange County Drainage Area Management Plan (DAMP), Model WQMP, and Technical Guidance Manual for reference, and the County's WQMP template for submittal. This WQMP shall include the following:

- Detailed site and project description
- Potential stormwater pollutants
- Post-development drainage characteristics
- Low Impact Development (LID) BMP selection and analysis
- Structural and Non-Structural source control BMPs
- Site design and drainage plan (BMP Exhibit)
- GIS coordinates for all LID and Treatment Control BMPs

Operation and Maintenance (O&M) Plan that (1) describes the long-term operation and maintenance requirements for BMPs identified in the BMP Exhibit; (2) identifies the entity that will be responsible for long-term operation and maintenance of the referenced BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the referenced BMPs.

The BMP Exhibit from the approved WQMP shall be included as a sheet in all plan sets submitted for plan check and all BMPs shall be depicted on these plans. Grading and building plans must be consistent with the approved BMP exhibit.

76 **COMPLIANCE WITH THE NPDES IMPLEMENTATION PROGRAM PA080051 (Custom)**

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the County's NPDES Implementation Program in a manner meeting the satisfaction of the Manager, OC Inspection, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the BMP Exhibit from the project's approved WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs (the O&M Plan shall become an attachment to the WQMP);
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the initial occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date twelve

(12) months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan;

- Demonstrate that the applicant has RECORDED one of the following:
 - The CC&R's (that must include the approved WQMP and O&M Plan) for the project's Home Owner's Association;
 - A water quality implementation agreement that has the approved WQMP and O&M Plan attached; or
 - The final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

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**EROSION AND SEDIMENT CONTROL PA080051 (Custom)
PLAN**

Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Permit Intake, to demonstrate compliance with the County's NPDES Implementation Program and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMPs will be maintained during construction of any future public right-of-ways. The ESCP shall be updated as needed to address the changing circumstances of the project site. A copy of the current ESCP shall be kept at the project site and be available for County review on request.